

ACT No. 2010 - 754

1 HB348
2 120726-3
3 By Representatives Scott, Black, Spicer, Buskey, Gordon,
4 England, Kennedy, Guin, Robinson (O) and Rogers
5 RFD: Government Appropriations
6 First Read: 19-JAN-10



1
2 ENROLLED, An Act,

3 Relating to drug courts; to authorize each presiding
4 judge of a judicial circuit to establish a drug court or
5 courts; to provide for screening of drug offenders, treatment,
6 support services, and drug testing; to provide referrals to
7 programs certified by the Department of Mental Health for
8 indicated treatment; to require the Administrative Office of
9 Courts to assist in planning, implementing, and developing
10 drug courts; to provide recommendations concerning the legal,
11 policy, and procedural issues confronting drug courts; and to
12 provide for civil immunity.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited
15 as the "Alabama Drug Offender Accountability Act."

16 Section 2. As used in this act, the following words
17 shall have the following meanings:

18 (1) ADVISORY COMMITTEE. A local committee which may
19 consist of the following members or their designees:

- 20 a. Drug court judge, who shall serve as chair.
21 b. The district attorney.
22 c. Public defender or member of the criminal defense
23 bar.
24 d. Drug court coordinator.
25 e. Court clerk.

1 f. Community corrections and/or court referral
2 officer.

3 g. Pretrial services.

4 h. Law enforcement.

5 i. Substance abuse treatment providers.

6 j. Any other persons as the chair deems appropriate.

7 (2) ASSESSMENT. A diagnostic evaluation for
8 placement in a treatment program which shall be performed in
9 accordance with criteria certified by the Department of Mental
10 Health, Substance Abuse Services Division.

11 (3) CHARGE. As defined in Section 12-25-32(13) of
12 the Code of Alabama 1975.

13 (4) CONTINUUM OF CARE. A seamless and coordinated
14 course of substance abuse education and treatment designed to
15 meet the needs of drug offenders as they move through the
16 criminal justice system and beyond, maximizing
17 self-sufficiency.

18 (5) CO-OCCURRING. A substance abuse and mental
19 health disorder.

20 (6) DRUG. Includes all of the following:

21 a. A controlled substance, a drug or other substance
22 for which a medical prescription or other legal authorization
23 is required for purchase or possession.

24 b. An illegal drug, a drug whose manufacture, sale,
25 use, or possession is forbidden by law.

1 c. Other harmful substance, a misused substance
2 otherwise legal to possess, including alcohol.

3 (7) DRUG COURT. A judicial intervention program for
4 drug offenders in the criminal division of the circuit or
5 district court that incorporates the Ten Key Components as
6 enumerated in subsection (f) of Section 4 and may include any
7 of the following:

8 a. Pre-adjudication. A drug offender is ordered to
9 participate in drug court before acceptance of a plea of
10 guilty or conviction.

11 b. Post-adjudication. A drug offender is ordered to
12 participate in drug court after entering a plea of guilty or
13 having been found guilty.

14 c. Reentry. A drug offender is ordered to
15 participate in drug court upon release from a sentence of
16 incarceration.

17 d. Combination program. May include
18 pre-adjudication, post-adjudication, and/or reentry.

19 (8) DRUG COURT COORDINATOR. An individual who is
20 responsible for coordinating the establishment, staffing,
21 operation, evaluation, and integrity of the drug court.

22 (9) DRUG COURT TEAM. Consists of all of the
23 following members who are assigned to the drug court:

24 a. Drug court judge.

25 b. District attorney or his or her designee.

1 c. Public defender or member of the criminal defense
2 bar.

3 d. A law enforcement officer.

4 e. Drug court coordinator.

5 f. A representative from community corrections,
6 court referral program, or the Board of Pardons and Paroles.

7 g. Any other persons selected by the drug court
8 team.

9 (10) DRUG OFFENDER. A person charged with or
10 convicted of a drug-related offense or an offense in which
11 substance abuse is determined from the evidence to have been a
12 significant factor in the commission of the offense and who
13 has applied for or been accepted to participate in a drug
14 court program for drug offenders in the criminal division of
15 the circuit or district court.

16 (11) MEMORANDUM OF UNDERSTANDING (MOU). A written
17 document setting forth an agreed upon procedure.

18 (12) RECIDIVISM. A subsequent conviction or plea of
19 nolo contendere in this or any other state or federal court of
20 the United States within three years of successful completion
21 of, or termination from, drug court for any offense carrying a
22 sentence of one year or more.

23 (13) RELAPSE. A return to substance use after a
24 period of abstinence from substance abuse.

1 (14) SCREENING. The process of gathering basic
2 information to determine whether the offender meets
3 established drug court eligibility criteria and shall include,
4 but is not limited to, the current charge, a substance abuse
5 evaluation, a brief questionnaire to determine if a risk or
6 needs assessment is needed, and drug testing, and may include,
7 but is not limited to, a substance abuse evaluation, risk
8 assessment, or needs assessment.

9 (15) SPLIT SENTENCING. A sentence which includes a
10 period of incarceration followed by a period of probation.

11 (16) STAFFING. The meeting before an appearance of a
12 drug offender in drug court in which the drug court team
13 discusses a coordinated response to the drug offender's
14 behavior.

15 (17) SUBSTANCE. Drug as defined in subdivision (6).

16 (18) SUBSTANCE ABUSE. The illegal or improper
17 consumption of a drug.

18 (19) SUBSTANCE ABUSE TREATMENT. The application of
19 professionally planned, managed, administered, and monitored
20 procedures for the purpose of alleviating, minimizing, and
21 stabilizing the effect of substance-related disorders and
22 restoring impaired functionality.

23 (20) VIOLENT OFFENSE OR CHARGE. As defined in
24 Section 12-25-32(13), Code of Alabama 1975.

1 Section 3. (a) The Legislature recognizes that a
 2 critical need exists in this state for the criminal justice
 3 system to more effectively address the number of defendants
 4 who are involved with substance abuse or addiction. For the
 5 criminal justice system to maintain credibility, court and
 6 community alternatives for the substance abuse and addiction
 7 involved defendant must be expanded. A growing body of
 8 research demonstrates the impact of substance abuse on public
 9 safety, personal health, and health care costs, the spread of
 10 communicable disease, educational performance and attainment,
 11 work force reliability and productivity, family safety, and
 12 financial stability. Requiring accountability and effective
 13 treatment, in addition to or in place of, conventional and
 14 expensive incarceration, will promote public safety, the
 15 welfare of the individuals involved, reduce the burden upon
 16 the state treasury and benefit the common welfare of this
 17 state. The goals of this act are to do all of the following:

18 (1) Enhance community safety and quality of life for
 19 citizens.

20 (2) Reduce recidivism.

21 (3) Reduce substance abuse.

22 (4) Increase the personal, familial, and societal
 23 accountability of drug offenders.

24 (5) Restore drug offenders to productive,
 25 law-abiding, and taxpaying citizens.

1 (6) Promote effective interaction and use of
 2 resources among criminal justice and community agencies.

3 (7) Reduce the costs of incarceration.

4 (8) Improve the efficiency of the criminal justice
 5 system by enacting an effective methodology.

6 (b) As a general proposition, all drug offenders
 7 should receive timely eligibility screening and, where
 8 indicated, assessment and the appropriate level of treatment.
 9 The criminal justice system should be used constructively to
 10 motivate drug offenders to accept treatment and engage in the
 11 treatment process.

12 Section 4. (a) The presiding judge of each judicial
 13 circuit, with the consent of the district attorney of that
 14 judicial circuit may establish a drug court or courts, under
 15 which drug offenders shall be processed, to appropriately
 16 address the identified substance abuse problem of the drug
 17 offender as a condition of pretrial release, pretrial
 18 diversion, probation, jail, prison, parole, community
 19 corrections, or other release or diversion from a correctional
 20 facility. The structure, method, and operation of each drug
 21 court may differ and should be based upon the specific needs
 22 of and resources available to the judicial district or circuit
 23 where the drug court is located, but shall be created and
 24 operate pursuant to this act and in compliance with rules
 25 promulgated by the Alabama Supreme Court.

1 Nothing in this act shall affect the authority of
 2 the district attorney to establish a deferred prosecution
 3 program or a pretrial diversion program within his or her
 4 judicial circuit or affect his or her ability to nolle prosequere
 5 a particular case. Notwithstanding the foregoing, all drug
 6 courts shall comply with this act and rules promulgated by the
 7 Supreme Court.

8 (b) Participation in drug court shall require the
 9 consent of the district attorney and the court and shall be
 10 pursuant to a written agreement. A drug offender may
 11 participate in a pre-adjudication, post-adjudication, reentry,
 12 probation violation, or combination program.

13 (c) The court may grant reasonable incentives under
 14 the written agreement if the court finds that the drug
 15 offender:

16 (1) Is performing satisfactorily in drug court.

17 (2) Is benefiting from education, treatment, and
 18 rehabilitation.

19 (3) Has not engaged in criminal conduct.

20 (4) Has not violated the terms and conditions of the
 21 agreement.

22 (d) The court may impose reasonable sanctions under
 23 the written agreement or may incarcerate or expel the offender
 24 from the program if the court finds that the drug offender:

25 (1) Is not performing satisfactorily in drug court.

1 (2) Is not benefiting from education, treatment, or
2 rehabilitation.

3 (3) Has engaged in conduct rendering him or her
4 unsuitable for the program.

5 (4) Has otherwise violated the terms and conditions
6 of the agreement.

7 (5) Is for any reason unable to participate.

8 (e) Upon successful completion of drug court, a drug
9 offender's case shall be disposed of by the judge in the
10 manner prescribed by the agreement and by the applicable
11 policies and procedures adopted by the drug court. This may
12 include, but is not limited to, withholding criminal charges,
13 nolle prosequere of charges recommended by the district attorney,
14 probation, deferred sentencing, suspended sentencing, split
15 sentencing, or a reduced period of incarceration. Records of
16 all such dispositions shall be maintained and be available to
17 judges and prosecutors statewide. This provision shall not
18 authorize the disclosure of youthful offender or juvenile
19 records to the general public.

20 (f) Drug courts shall include all of the following
21 Ten Key Components, as defined by the U.S. Department of
22 Justice, and the drug court team shall act to ensure
23 compliance with each of the components:

1 (1) Integration of drug, alcohol, and other drug
2 treatment or educational services with justice system case
3 processing.

4 (2) Use of a non-adversarial approach, with
5 prosecution and defense counsel promoting public safety while
6 protecting the due process rights of drug offenders
7 participating in the program.

8 (3) Early identification of drug offenders eligible
9 to participate and prompt placement in the drug court program.

10 (4) Access to a continuum of alcohol, drug, and
11 other related treatment and rehabilitation services.

12 (5) Monitoring of abstinence by frequent alcohol and
13 other drug testing.

14 (6) Adoption and implementation of a coordinated
15 strategy which governs drug court responses to the compliance
16 of drug offenders participating in the program.

17 (7) Ongoing judicial interaction with each drug
18 court of drug offenders participating in the program.

19 (8) Monitoring and evaluation to measure the
20 achievement of program goals and gauge effectiveness.

21 (9) Continuing interdisciplinary education to
22 promote effective drug court planning, implementation, and
23 operations.

1 (10) Forging partnerships among drug courts, public
2 agencies, and community-based organizations to generate local
3 support and enhance drug court effectiveness.

4 (g) Cases handled pursuant to this act shall be
5 calendared on dedicated dockets, set aside from other criminal
6 cases.

7 (h) Each local jurisdiction that intends to
8 establish a drug court, or continue the operation of an
9 existing drug court, shall establish a local drug court team
10 and may also establish a local drug court advisory committee.

11 (i) The drug court team, when practicable, shall
12 conduct a staffing prior to each drug court session to discuss
13 and provide updated information regarding drug offenders.
14 After determining their progress, or lack thereof, the drug
15 court team shall agree on the appropriate incentive or
16 sanction to be applied. If the drug court team cannot agree on
17 the appropriate action, the court shall make the decision
18 based on information presented in the staffing. Nothing in
19 this act shall prohibit the authority of the district attorney
20 to file a petition to remove the drug offender from the drug
21 court program for good cause shown.

22 (j) Nothing contained in this act shall confer a
23 right, or an expectation of a right, to participate in drug
24 court, nor does it obligate the drug court to accept every
25 drug offender. Neither the establishment of any drug court nor

1 anything in this act shall be construed as limiting the
 2 discretion of the district attorney. Each drug court judge may
 3 establish rules and may make special orders and rules, as
 4 necessary, that do not conflict with this act or rules
 5 promulgated by the Alabama Supreme Court.

6 (k) A drug court coordinator shall be responsible
 7 for the general administration of drug court.

8 (l) Any agency charged with supervising a drug
 9 offender under drug court jurisdiction shall timely forward
 10 information to the drug court concerning the progress and
 11 compliance of the drug offender with any court-imposed terms
 12 and conditions.

13 Section 5. (a) Any drug offender subject to this act
 14 who posts bail shall submit to random observed drug tests as a
 15 condition of pretrial release.

16 (b) A drug offender shall be required to undergo a
 17 screening under any of the following conditions:

18 (1) The results of a drug test are positive.

19 (2) The drug offender requests a screening.

20 (3) The drug offender admits to substance use or
 21 abuse within the year preceding the arrest for the present
 22 charge.

23 (4) The present charge involves a violation of the
 24 controlled substances or impaired driving statutes.

1 (5) The drug offender, within the previous five
2 years, has been convicted in any state or federal court
3 involving a violation described in subsection (b)(1), (b)(3),
4 or (b)(4).

5 (6) The drug offender refuses to undergo a drug test
6 as required by this act.

7 (c) Notwithstanding the requirements of subsection
8 (a), the court shall order a drug offender to undergo a
9 screening if the court has reason to believe the drug offender
10 is a substance abuser or would otherwise benefit from
11 undergoing a screening.

12 (d) If a drug offender is ordered to undergo a
13 screening and has not done so at the time of his or her
14 release prior to trial or probation, submission to a screening
15 shall be a condition of his or her pre-trial release or
16 probation.

17 (e) Unless otherwise ordered by the court, the drug
18 test results and screening of a drug offender shall be
19 provided as soon as practical after the initial appearance of
20 the drug offender before the drug court team, or other
21 appropriate authority in the case of an inmate.

22 (f) The screening shall include recommendations
23 concerning the drug offender's need for a needs or risk
24 assessment.

1 (g) Anyone receiving drug test results, a screening,
2 an assessment, or other personal medical information shall
3 maintain that information in accordance with federal and state
4 confidentiality laws.

5 (h) A court shall immediately consider ordering a
6 drug offender to participate in drug court if all of the
7 following apply:

8 (1) A screening reveals that a drug offender is a
9 substance abuser, and the court recommends that the drug
10 offender participate in drug court.

11 (2) The court has reason to believe that
12 participation in drug court will benefit the drug offender by
13 addressing his or her substance abuse.

14 (3) The district attorney consents to the
15 participation of the drug offender in the program.

16 (4) The case of the drug offender is handled
17 pursuant to subsection (b) of Section 4.

18 (i) A drug offender shall not be eligible for
19 admission into a drug court program if any of the following
20 applies:

21 (1) The drug offender has a pending violent criminal
22 charge against him or her or any felony charge in which a
23 firearm or deadly weapon or dangerous instrument was used.

24 (2) The drug offender has been convicted of a
25 violent felony offense or any felony in which a firearm or

1 deadly weapon or dangerous instrument was used or adjudicated
2 as a youthful offender or delinquent as a juvenile of a
3 violent felony offense or any felony in which a firearm or
4 deadly weapon or dangerous instrument was used.

5 (3) The drug offender is required to register as a
6 sex offender or currently charged with a felony sex offense.

7 (4) The drug offender is charged with distribution,
8 manufacturing, or trafficking of a controlled substance.

9 (j) Eligible offenses may be further restricted by
10 the rules of a specific local drug court program.

11 (k) The Commissioner of the Department of
12 Corrections shall develop criteria regarding the evaluation
13 and eligibility of an inmate for early release into a reentry
14 drug court program consistent with the requirements of
15 subsection (i).

16 Section 6. (a) As part of the assessment, each
17 jurisdiction shall establish a system to ensure that drug
18 offenders are placed into a substance abuse treatment program
19 approved by the Department of Mental Health. To accomplish
20 this, the entity conducting the assessment should make
21 specific recommendations to the drug court team regarding the
22 level of treatment program and duration necessary so that the
23 individualized needs of a drug offender may be addressed.
24 These assessments and resulting recommendations shall be
25 performed by a certified, professional, or licensed alcohol

1 and drug professional in accordance with the criteria
2 certified by the Department of Mental Health, Substance Abuse
3 Services Division. Treatment recommendations accepted by the
4 court, pursuant to this act, shall be deemed to be reasonable
5 and necessary.

6 (b) An adequate continuum of care for drug offenders
7 shall be established in response to this act.

8 (c) The drug court, when practicable, shall ensure
9 that no agency provide both assessment and treatment services
10 for a drug court to avoid potential conflicts of interest or
11 the appearance that a given assessment agency might benefit by
12 determining that an offender is in need of the particular form
13 of treatment that the assessor provides.

14 (d) A drug court making a referral for substance
15 abuse treatment shall refer the drug offender to a program
16 that is certified by the Department of Mental Health,
17 Substance Abuse Services Division.

18 (e) The court shall determine which treatment
19 programs are authorized to provide the recommended treatment
20 to a drug offender. The relationship between the treatment
21 program and the court should be governed by a memorandum of
22 understanding, which should include the timely reporting of
23 the progress or lack thereof of the drug offender to the drug
24 court.

1 (f) Appropriate services for mental health treatment
2 should be made available by the Department of Mental Health,
3 where practicable, recognizing that a drug offender is
4 frequently co-occurring.

5 (g) Recognizing that appropriate levels of substance
6 abuse treatment, including appropriate length of stay, impact
7 success, the drug court team may require assessments that
8 determine the appropriate level of care and refer to programs
9 certified by the Department of Mental Health for the provision
10 of the indicated treatment.

11 Section 7. (a) The drug court team shall ensure
12 fair, accurate, and reliable drug testing procedures.

13 (b) The drug offender shall be ordered to submit to
14 frequent, random, and observed drug testing to monitor
15 abstinence.

16 (c) The results of all drug tests shall be provided
17 to the drug court team as soon as practicable, and in the
18 event of a positive drug test, the team shall be notified
19 immediately.

20 (d) Anyone in receipt of drug test results shall
21 maintain the information in compliance with the requirements
22 of federal and state confidentiality laws.

23 Section 8. Any drug court in this state may transfer
24 to or accept transfer from any other drug court in this state,
25 as well as any drug court in any other state which is a part

1 of the Interstate Compact for Adult Offender Supervision, any
 2 drug offender for admission into the respective drug court
 3 program based upon the residence of the drug offender. All
 4 terms and conditions of the transfer and supervision shall be
 5 clearly stated, in writing, and shall not be valid unless
 6 agreed to, in writing, by all of the following:

7 (1) The drug offender.

8 (2) The defense attorney.

9 (3) The judge and prosecutor of the transferring
 10 drug court.

11 (4) The judge and prosecutor of the receiving drug
 12 court.

13 Section 9. (a) The Administrative Office of Courts,
 14 hereinafter AOC, shall assist in the planning, implementation,
 15 and development of drug courts statewide. AOC shall make
 16 recommendations to the Alabama Supreme Court and the Chief
 17 Justice concerning the legal, policy, and procedural issues
 18 confronting the drug courts in the state. Nothing in this
 19 section shall impede the constitutional authority of the
 20 district attorney.

21 (b) AOC shall provide state-level coordination and
 22 support for drug court judges and their programs and operate
 23 as a liaison between drug court judges and other state-level
 24 agencies providing services to or benefitting from drug court
 25 programs.

1 (c) The Administrative Director of Courts shall make
2 recommendations to the Chief Justice of the Alabama Supreme
3 Court concerning criteria for eligibility, the promulgation of
4 procedural rules, the establishment of guidelines for
5 operation, and adoption of standards and protocols for the
6 various drug courts of this state. All rules, guidelines,
7 standards, and protocols shall periodically be reviewed and
8 revised.

9 (d) AOC shall identify existing resources for
10 assessment and treatment and make recommendations for the
11 allocation of those resources; explore grants and funds
12 necessary to support drug courts; promote and provide annual
13 training and technical assistance for all drug court judges
14 and criminal justice personnel involved in drug courts, as
15 well as education for the public about the effectiveness of
16 drug court; and establish evaluation criteria and procedures,
17 including tracking the status of drug offenders after
18 concluding drug court. The critical performance measures to be
19 collected shall include those set forth in subsection (a) of
20 Section 10.

21 (e) The local drug court team or advisory committee,
22 or both, shall ensure the provision of a full continuum of
23 care for drug offenders.

1 (f) The presiding judge of each circuit shall report
2 to AOC by the fifteenth' day of January of each year. The
3 report shall include all of the following:

4 (1) A description of the drug court operating within
5 the jurisdiction.

6 (2) The name of the participating judge or judges.

7 (3) Community involvement.

8 (4) Education and training.

9 (5) Use of existing resources.

10 (6) Collaborative efforts.

11 (7) An evaluation of the critical data elements
12 required by subsection (a) of Section 10.

13 (g) The Administrative Director of Courts shall
14 provide a statewide report each year during the regular
15 legislative session to the Alabama Supreme Court, Legislature,
16 and Governor regarding the need for, and implementation of,
17 this act. The report shall include a synopsis of such
18 information or data necessary to determine the impact,
19 utility, and cost-effectiveness of its implementation and
20 ongoing operation.

21 Section 10. (a) A drug court shall collect and
22 maintain the following information for each drug offender that
23 is considered for admission or admitted into drug court:

24 (1) Prior criminal history.

1 (2) Prior substance abuse treatment history,
2 including information on the success or failure of the drug
3 offender in those programs.

4 (3) Employment, education, and income histories.

5 (4) Gender, race, ethnicity, marital and family
6 status, and any child custody and support obligations.

7 (5)a. Instances of recidivism occurring after
8 successful completion of drug court. Recidivism shall be
9 measured at a period of three years after successful
10 graduation.

11 b. Instances of recidivism occurring after a drug
12 offender's termination in drug court for a period of three
13 years from release into the community.

14 (6) The drug of choice and the estimated daily
15 financial cost to the drug offender at the time of entry into
16 the program.

17 (7) The number of drug offenders screened for
18 eligibility, the number of eligible drug offenders who were
19 and were not admitted into drug court, the reasons for
20 non-admission for those drug offenders not admitted into drug
21 court, and the case disposition for each drug offender
22 admitted into drug court.

23 (8) The cost of operation and sources of funding for
24 each drug court.

1 (b) A drug offender subject to this act may be
2 required, as a condition of pretrial release, probation,
3 diversion, parole, or community corrections to provide the
4 information in subsection (a). The collection and maintenance
5 of this information shall be collected in a standardized
6 format according to applicable guidelines.

7 (c) To protect the privacy of a drug offender in
8 accordance with federal and state confidentiality laws,
9 treatment records shall be kept in a secure environment,
10 separated from the court records to which the public has
11 access.

12 (d) All drug court personnel shall be trained in
13 accordance with subsection (d) of Section 9.

14 (e) Evaluations shall be conducted in accordance
15 with subsection (a).

16 (f) The drug offender shall be responsible for all
17 fees, court costs, and restitution associated with the terms
18 of release of the offender, supervision, treatment, and
19 successful completion in drug court, unless the offender is
20 determined to be indigent, in which event such fees may be
21 waived in whole or in part. Determination of indigency shall
22 be subject to continuing review by the court. All such fees,
23 which do not include regular court costs normally collected by
24 the clerk of court, shall be collected and accounted for by
25 the drug court or other entity designated by the drug court

1 team, in accordance with generally accepted uniform accounting
2 principles, which shall be subject to approval by the State
3 Chief Examiner of the Department of Public Accounts. Drug
4 courts shall establish and maintain a uniform accounting
5 system.

6 (g) The annual reports and all records of accounts
7 and financial records of all funds received from fees or by
8 grant, contract, or otherwise from state, local, or federal
9 sources, shall be subject to audit annually by the Chief
10 Examiner of the Department of Public Accounts. The audit may
11 be performed by a licensed independent certified public
12 accountant approved by the Chief Examiner of the Department of
13 Public Accounts.

14 (h) All audits shall be completed as soon as
15 practicable after the end of the fiscal year. One copy of each
16 audit shall be furnished to the presiding circuit judge, the
17 district attorney, the Administrative Director of Courts, and
18 the Chief Examiner of the Department of Public Accounts.
19 Copies of each audit shall also be made available to the
20 press.

21 Section 11. (a) Any Absent negligence, wantonness,
22 recklessness, or deliberate misconduct, any individual who, in
23 good faith, provides services pursuant to this act, shall not
24 be liable in any civil action. The grant of immunity provided
25 for in this subsection shall extend to all employees,

1 administrative personnel, and drug court team members, as well
2 as volunteers.

3 (b) Any qualified person who obtains, in a medically
4 accepted manner, a specimen of breath, blood, urine, or other
5 bodily substance pursuant to this act shall not be liable in
6 any civil action.

7 Section 12. Nothing in this act shall be construed
8 to require a county commission or any county employee to
9 participate in or fund in whole or in part the development or
10 operation of a drug court program authorized in this act.

11 Section 13. A holder of a commercial driver's
12 license (CDL), a commercial driver learner's permit holder,
13 and any other operator of a commercial motor vehicle that is
14 subject to Part 383 of the Federal Motor Carrier Safety
15 Regulations shall be ineligible to participate in any drug
16 court program.

17 Section 14. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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[Handwritten Signature]

Speaker of the House of Representatives

[Handwritten Signature]

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 01-APR-10, as amended.

Greg Pappas
Clerk

Senate	<u>21-APR-10</u>	Amended and Passed
House	<u>21-APR-10</u>	Concurred in Senate Amendment

APPROVED *April 30, 2010*

TIME *4:15 pm*
[Handwritten Signature]
GOVERNOR

Alabama Secretary Of State

Act Num....: 2010-754
Bill Num....: H-348

Recv'd 04/30/10 04:33pmJJB